

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

December 14, 2009

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **December 14, 2009**, at 9:20 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Supervisor, Chairman; Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Steve C. Davis, Council Member District No. 8; Mrs. Nicole Scott Ewing, County Attorney; Mr. Joshua Gruber, Assistant County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Special Meeting of Council held November 9, 2009; Public Hearings for Bills Numbered 09-41, 09-43 and 09-50, and a Regular Meeting of Council held November 23, 2009.

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **approve** the **minutes** as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION – none

EXECUTIVE SESSION – none

CHAIRMAN OF COUNTY COUNCIL

THIRD READING

“BILL NO. 09-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #123-00-02-030.”

(John & Miriam Mitchum)

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **approve Bill No. 09-45** for **Third Reading**. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 09-12-59 is attached to these minutes.)*

“BILL NO. 09-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #142-04-02-048.”

(Caroline Gethers)

It was moved by Council Member Schurlknight and seconded by Council Member Fish to **approve Bill No. 09-46** for **Third Reading**. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 09-12-60 is attached to these minutes.)*

“BILL NO. 09-47, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #068-04-03-021.”

(Norman Sanders)

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **approve Bill No. 09-47** for **Third Reading**. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 09-12-61 is attached to these minutes.)*

“BILL NO. 09-48, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, EXECUTED ON APRIL 24, 1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKELEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK; AND OTHER MATTERS RELATED THERETO.”

It was moved by Council Member Schurlknight and seconded by Council Member Callanan to **approve Bill No. 09-48** for **Third Reading**. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 09-12-62 is attached to these minutes.)*

“BILL NO. 09-49, AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE CITY OF GOOSE CREEK TO THE BERKELEY COUNTY VOTER REGISTRATION AND

ELECTION COMMISSION; TO DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES ASSUMED BY THE BERKELEY COUNTY VOTER REGISTRATION AND ELECTION COMMISSION FOR THE CONDUCT OF MUNICIPAL ELECTIONS IN THE CITY OF GOOSE CREEK; TO PROVIDE FOR REIMBURSEMENT OF ALL COSTS AND EXPENSES INCURRED BY THE BERKELEY COUNTY VOTER REGISTRATION AND ELECTION COMMISSION IN THE CONDUCT OF SUCH MUNICIPAL ELECTIONS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.”

It was moved by Council Member Pinckney and seconded by Council Member Cathy Davis to **approve Bill No. 09-49 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-12-63 is attached to these minutes.)

“**BILL NO. 09-52, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND AMERICAN SYNTHETICS CORPORATION, LP; AND MATTERS RELATING THERETO.**”

It was moved by Council Member Cathy Davis and seconded by Council Member Callanan to **approve Bill No. 09-52 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 09-12-64 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

“**BILL NO. 09-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #181-00-02-055 and #181-00-02-056.**”

(Artamus Nichols for Nichols Equipment)

It was moved by Council Member Schurlknight and seconded by Council Member Fish to **approve Bill No. 09-51 for Second Reading.** The motion passed by unanimous voice vote of Council.

FIRST READING

There was one bill for First Reading. *(Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.)*

1. **Bill No. 09-53**, an **ordinance** to **amend** and clarify certain sections of **Ordinance No. 01-08-35**, adopted August 27, 2001, Zoning and Development Standards Ordinance, "**Berkeley County Zoning Ordinance**" and amending Ordinances Numbered 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92 and 07-07-43, in regard to the proposed creation of a special exception for **mining** in the Flex-1 Zoning District, establishing additional requirements for conditional uses in the Heavy Industrial (HI) Zoning District, and other matters relating thereto.

Bill No. 09-53 was **held** and not considered for First Reading.

RESOLUTIONS

"RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2009-2010 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET."

This proposed resolution was not necessary this night.

"RESOLUTION APPROVING AN ASSIGNMENT OF EXISTING FEE-IN-LIEU OF TAX ARRANGEMENTS BY MARINE BARGE COMPANY, LLC, AND MARINE TERMINALS OF SOUTH CAROLINA, INC., WITH BERKELEY COUNTY, SOUTH CAROLINA, TO KINDER MORGAN BULK TERMINALS, INC., AND KINDER MORGAN MID ATLANTIC SERVICES, LLC."

It was moved by Council Member Fish and seconded by Council Member Schurlknight to approve the resolution approving assignment of existing fee-in-lieu of tax arrangements by Marine Barge Company, LLC, and Marine Terminals of SC, Inc., with Berkeley County, to Kinder Morgan Bulk Terminals, Inc., and Kinder Morgan Mid Atlantic Services, LLC. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 09-44 is attached to these minutes.)

REPORTS FROM STANDING COMMITTEES

Committee on FINANCE

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight reported that the Committee on Finance met December 7th and earlier this night. All matters before the Committee were addressed earlier on this night's agenda.

(That concluded Chairman Schurlknight's report.)

Committee on LAND USE

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley reported that the Committee on Land Use met earlier this night. Many matters before the Committee were addressed on this night's agenda.

a. Information in Regard to Mining Operation in the Green Bay Community

Chairman Farley reported that information was received in regard to the mining issue in the Green Bay Community. No action was taken.

On recommendation of the Committee, Chairman Farley moved to **hold**, for up to one year, the proposed ordinance in regard to mining, in order to provide time for the Planning Commission's nine-member task force to complete and present its recommendations. (No second required.)

The motion passed by unanimous voice vote of Council.

b. Request for Extension of 2009 Assessment

On recommendation of the Committee, Chairman Farley moved to **approve** an extension in time to file for a 2008 Agricultural rate by Mr. C. Maurice Snook. (No second required.)

The motion passed by majority voice vote of Council. Council Member Farley, Council Member Pinckney and Council Member Schurlknight voted, "Nay."

(That concluded Chairman Farley's report.)

Committee on PUBLIC WORKS AND PURCHASING**Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call reported that the Committee on Public Works and Purchasing met earlier this night.

a. Excavator Bid for Roads and Bridges Department

On recommendation of the Committee, Chairman Call moved to **deny** the best value bid for an excavator for the Roads and Bridges Department. (No second required.)

The motion passed by majority voice vote of Council. Council Member Call, Council Member Pinckney and Council Member Schurlknight voted, "Nay."

b. US Highway 17-A Water Main Relocation, Phase 2

No action taken at this time. More information will be provided in January, 2010.

**c. Berkeley County/SCDOT Intergovernmental Agreement
I-26 Widening and Sheep Island Parkway Interchange**

On recommendation of the Committee, Chairman Call moved to **approve** the Berkeley County/SCDOT Intergovernmental Agreement for the I-26 widening and Sheep Island Parkway interchange. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Call's report.)

**Committee on JUSTICE AND PUBLIC SAFETY
Council Member, Steve C. Davis, Chairman**

Acting Chairman Cathy Davis reported that the Committee on Justice and Public Safety met earlier this night.

a. Berkeley County Hazard Mitigation Plan

Acting Chairman Cathy Davis reported that Ms. Vonie Gilreath, with the Berkeley/ Charleston/Dorchester Council of Governments, provided the Committee with information in regard to the Berkeley County Hazard Mitigation Plan. No action was required.

b. South Carolina 2010 Justice Assistance Grant (JAG)

On recommendation of the Committee, Acting Chairman Cathy Davis moved to **approve** application for a South Carolina 2010 Justice Assistance Grant Program to obtain funding for the upgrade/replacement of Communications' Department equipment, an approximate cost of \$650,000.00, with the required five percent match of approximately \$32,500.00 to come from the Addressing Fund Balance, not Contingency. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Steve Davis' report.)

**Committee on WATER AND SANITATION
Council Member, Mr. Timothy J. Callanan, Chairman**

Chairman Callanan reported that the Committee on Water and Sanitation met earlier this night.

Restructuring of Convenience Center Employees

On recommendation of the Committee, Chairman Callanan moved to **approve** the restructuring of the Berkeley County Water and Sanitation Convenience Centers from 25 employees to 17 full time employees through attrition, which would reduce operational costs by \$3,791.50. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Callanan's report.)

Committee on PLANNING AND DEVELOPMENT Council Member, Mrs. Cathy S. Davis, Chairman

Chairman Cathy Davis reported that the Committee on Planning and Development met earlier this night.

Presentation: Dilapidated Structures, Unclean Lots and Land, Code Enforcement

On recommendation of the Committee, Chairman Cathy Davis moved to **approve** the creation of an ordinance to address dilapidated structures, unclean lots/land and code enforcement. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Cathy Davis' report.)

Committee on COMMUNITY SERVICES Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney reported that the Committee on Community Services met earlier this night. All matters before the Committee were addressed on this night's agenda.

(That concluded Chairman Pinckney's report.)

Committee on HUMAN SERVICES Council Member, Mr. Dennis L. Fish, Chairman

No report.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Mrs. Nicole Scott Ewing stated, "I wanted to provide some information. All the terms expire this month, so we're going to need nominations in January to re-appoint; and we also have

a vacancy we will need to address then. I just wanted to put it on your radar. The state monitors us, so we have to make sure we are in compliance at all times.” (For clarification: the County Attorney was referring to the Accommodations Tax Advisory Commission)

Chairman Daniel Davis stated, “Earlier, we suggested a nomination form for you to use. We will resend that, but it would be real helpful. That would help us in these instances when people are nominated; we have a paper record of it. So, we will send that out to you. If you have those nominations, if you would submit those next month, we would appreciate it.”

Council Member Fish nominated Ms. Heather Fowler for appointment to the Devon Forest Special Tax District Advisory Commission.

Mrs. Ewing questioned what seat Ms. Fowler would be serving for on that Commission.

Council Member Fish responded, “I’ve got a letter from Debbie Royal. This is for representing – she is replacing Ms. Susan Meyers, who moved to Mt. Pleasant.”

Council Member Farley responded, “You have a vacancy there anyway.”

Ms. Heather Fowler would represent the Hastings Section of Devon Forest.

It was moved by Council Member Callanan and seconded by Council Member Cathy Davis to **approve** the **nomination** of Ms. Heather Fowler, replacing Ms. Susan Meyers, to represent the Hastings Section of the Devon Forest Special Tax District Advisory Commission. The motion passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The **January 2010 Regular Meeting of Berkeley County Council** will be held on **Monday, January 25, 2010**, immediately following Public Hearings and other Committee Meetings at **6:00 p.m.**, in the **Assembly Room** of the **Berkeley County Administration Building**, 1003 Highway 52, Moncks Corner, South Carolina.

ADJOURNMENT

It was moved by Council Member Schurilknight and seconded by Council Member Cathy Davis to **adjourn** the Regular Meeting of County Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 9:33 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION

Public Discussion commenced at 9:38 p.m.

Mr. Gerhard Jung, residing in the Caromi Subdivision, addressed Council and stated, "I gave the same speech about three years ago. The only change from three years ago until now, nothing happened here; however, I'm so proud to hear, thus finally, Eric Greenway picked up where Little Debbie and Ronnie Brewer got my information for three years. Only difference, what I see, every little start, a clean neighborhood is a safe neighborhood. I gave you the figures the last time. There were 221 911 calls in Caromi Subdivision, what we are talking about. Next door, with the golf course, is Crowfield Plantation. They had 27 in that same time period. So, cleaning up the neighborhood is definitely a priority; and since you all, ladies and gentlemen, are so serious about your business, the only thing that has changed, Mr. Fish, just for you, I became an American citizen, so you don't have to treat me like a foreigner."

Public Discussion concluded at 9:39 p.m.

S/Barbara B. Austin, CCC
Clerk of Council

January 26, 2010

Date Approved